IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

ROGACIANO ID # 32818-17' vs.	*)))	No. 3:08-CV-0043-N No. 3:05-CR-0024-N (01)
UNITED STA	TES OF AMERICA, Respondent.)))	ECF
	ORDER OF THE COREGARDING CERT		
			ation of the Magistrate Judge, and pursuant to 53 (c), the Court hereby finds and orders:
IFP ST	<u>ΓATUS</u> :		
(X) ()	the appeal is not taken incorporates by refere entered in this case on Court finds that the apprivaleus. See Harkin Howard v. King, 707 () the person appealing	Suant to Fed. R. A in good faith. In ence the Magistr Bas peal presents no s v. Roberts, 935 F. 2d 215, 219-2 has not compli	App. P. 24(a) and 28 U.S.C. § 1915 (a)(3), that a support of this finding, the Court adopts and rate Judge's Findings and Recommendation sed upon the Magistrate Judge's findings, this legal points of arguable merit and is therefore 5 F. Supp. 871, 873 (S.D. Miss. 1996) (citing
<u>COA</u> :			
()	a Certificate of Appealability is GRANTED on the following issues:		
(X)	a Certificate of Appealability is DENIED. The Court hereby adopts and incorporates by reference the Magistrate Judge's Findings and Recommendation entered in this case on May 7, 2008, in support of its finding that the motion to vacate is barred by the statute of limitations. See 28 U.S.C. § 2255(f). Movant has failed to show that reasonable jurists would find it debatable whether the Court was correct in dismissing his case as time barred. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).		

Signed: October 6, 2008

David C. Godbey

United States District Judge